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ATTORNEYS FOR:
 Marc Antoine Gagnon and Meggie Roy

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SARAH GAGAN, an individual, CLAIRE
 GAGAN, an individual, HALO'S HEART,
 LLC, a California Limited Liability Company

Plaintiff,

v.

MARC ANTOINE GAGNON, an individual,
 MEGGIE ROY, an individual, MARIEVE
 SIMARD, an individual, ALAIN POIRIER, an
 individual, and DOES 1-280, inclusive,

Defendants.

Case No.: 5:22-cv-00680-JWH-SP

Hon. John W. Holcomb

**DEFENDANTS MARC ANTOINE
 GAGNON AND MEGGIE ROY'S
 NOTICE OF MOTION AND
 MOTION TO DISMISS
 PLAINTIFFS' COMPLAINT FOR
 FAILURE TO COMPLY WITH
 FED.R.CIV.P. RULE 9(b)**

Hearing (Motion to Dismiss):

Date: July 8, 2022
 Time: 9:00 a.m.
 Ctrm: 9D, Ronald Reagan
 Federal Building and
 U.S. Courthouse

*[Memorandum of Points and
 Authorities and (Proposed) Order
 served concurrently herewith]*

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on July 8, 2022, at 9:00 a.m., or as soon
 thereafter as the matter can be heard, in courtroom 9D, of the above entitled Court,
 located at 411 West Fourth Street, Santa Ana, California 92701, Defendants Marc

1 Antoine Gagnon and Meggie Roy (“Defendants”) will move this Court, pursuant to
 2 Federal Rule of Civil Procedure (“FRCP”) 9(b), to dismiss the Complaint of
 3 Plaintiffs as each cause of action fails to comply with the heightened pleading
 4 requirements of FRCP 9(b) relating to fraud claims.

5 This motion is made following the conference of counsel pursuant to L.R. 7-3
 6 which took place on June 1, 2022.

7 Defendants’ Motion is based upon this Notice of Motion and Motion, the
 8 Memorandum of Points and Authorities, and the Proposed Order, served herewith,
 9 and the pleadings on file herein and upon such evidence as may be presented at the
 10 time of hearing.

11 MOTION TO DISMISS

12 Defendants bring the present motion to dismiss on the following grounds:

- 13 1. Causes of Action 1 through 15 are grounded in claims of fraud. Such
 14 claims are special matters which must be pled with particularity under
 15 FRCP 9(b). Plaintiffs have not met this pleading requirement, in that
 16 they have failed to allege with specificity each act of fraud, and which
 17 defendant and plaintiff are implicated by such acts.

18
 19 WHEREFORE, Defendants pray that its motion to dismiss the complaint on
 20 file herein be granted with leave to amend.

21
 22 Dated: June 3, 2022

ROEMER & HARNIK, LLP
 MARY E. GILSTRAP

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 25 By: Mary E. Gilstrap
 26 Mary E. Gilstrap
 27 Attorneys for Defendants
 28 Marc Antoine Gagnon and
 Meggie Roy